United Nations CRPD/C/SR.188

Convention on the Rights of Persons with Disabilities

Distr.: General
15 April 2015

Original: English

Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 188th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 8 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Mongolia (CRPD/C/MNG/1; CRPD/C/MNG/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*

2. **Mr. Munkhbaatar** (Mongolia), introducing his country's initial report (CRPD/C/MNG/1), said that, in 2014, persons with disabilities accounted for 3.3 per cent of the total population, with women accounting for 44.9 per cent and children for 11.4 per cent. The 2013–2016 action plan to implement the Convention on the Rights of Persons with Disabilities had been based on the proposals and contributions of organizations of persons with disabilities and other civil society organizations and aimed to develop the relevant legal framework, improve the collection of statistical data, increase accessibility to health care and rehabilitation services, provide inclusive education, make reasonable accommodation in the workplace, ensure accessibility to the social services infrastructure and provide full and effective participation in social and cultural life and sport.

3. Despite numerous revisions, existing legislation on the rights of persons with disabilities continued to focus entirely on social welfare and treated persons with disabilities as inactive beneficiaries of it. For that reason, a law on the rights of persons with disabilities, which would be consistent with the Convention and the human rights enshrined in the Constitution, was currently being drafted. Persons with disabilities and their organizations had been actively involved in developing the draft law, which primarily addressed the following issues: the definition of a person with a disability, the realization of the human rights of persons with disabilities, the provision of opportunities for their full participation in society and the development of laws to ensure the accessibility of the public infrastructure. Following the adoption of the draft law, amendments would be made to existing legislation on health, education, social security and employment.

4. In conjunction with organizations of persons with disabilities, the Government had been engaged in efforts to switch from a hospital-based to a community-based health-care and rehabilitation system and to adopt a rights-based approach to disability. Action taken included the training of physical and occupational therapists, measures to enable persons with disabilities to lead an independent life and encouragement of parents of children with disabilities to raise their children as active members of society.

5. The revised Mental Health Act of 2013 provided for inpatient care and psychological counselling for persons with mental disabilities in psychiatric hospitals. The Government had organized a month-long campaign for promoting the health of persons with disabilities and an annual disability prevention day was held to increase public awareness and foster a positive perception of persons with disabilities.

6. The Government pursued a policy of inclusive education on the basis of equal developmental and educational opportunities for children with disabilities. It sought to ensure reasonable accommodation through the provision of assistive devices and equipment and the appropriate training of teachers and staff. In addition, it had allocated funds from the general budget to promote the enrolment of children with disabilities in mainstream primary schools and kindergartens and provided full tuition fees to students with disabilities or to students whose parents both had disabilities.

7. Efforts were under way to establish a body to oversee the development of Mongolian sign language and a scheme to provide for the early detection and diagnosis of disability had been introduced in 21 aimags and 9 districts.

8. The national policy to promote the employment of persons with disabilities was implemented within the framework of a variety of laws, including the Constitution, the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) and the Labour Law of Mongolia. Under a 2012 employment promotion programme, 20 per cent of persons with disabilities were employed in family businesses and manufacturing or had permanent jobs that had been created by employers.

9. The 2012–2016 action plan to implement the Convention on the Rights of Persons with Disabilities set objectives for building accessible housing, schools and institutions and the incorporation of universal design. Provisions on barrier-free access were included in new or revised legislation. Among public buildings in Ulaanbaatar, 36 per cent complied with government standards, 61 per cent were partially in compliance and 3 per cent failed to comply. In 2014, 359 newly built residential homes and apartments and 50 per cent of public buildings in Ulaanbaatar were accessible to persons with disabilities.

10. A State policy on culture, providing for the participation of persons with disabilities in cultural activities on an equal basis with others, had been adopted and standards for the accessibility of buildings and services of arts and cultural organizations had been brought into line with international standards. Under a presidential decree, winners of gold medals in the Paralympic Games received lifelong financial support and one Mongolian athlete had won a gold medal at the 2008 Games.

11. The Government pursued a social welfare policy to ensure the non-discriminatory and inclusive participation of persons with disabilities in the life of society and to establish a system of social protection that addressed their special needs. The income of persons with disabilities consisted mostly of social welfare allowances or pensions, of which the major part was spent on medicines and health-care services. As a result, many persons with disabilities lived in poverty. The expenditure of the Social Welfare Fund on social protection services for ever-increasing numbers of persons with disabilities had amounted to about US$ 25 million in 2012, US$ 31 million in 2013 and US$ 34 million in 2014.

12. Despite the Government's efforts to implement the provisions of the Convention, economic constraints and the lack of trained human resources meant that many needs remained unmet. They could be grouped into the following categories: legal, economic and other guarantees to ensure the protection of rights; access to and financing of health-care services; accessibility, reasonable accommodation, teacher training and inclusive education in State schools; effective laws on eliminating disability-based discrimination; universal design and barrier-free buildings, roads and public spaces; accessible information and communication technology; and more complete statistical data. In addition, Mongolia faced challenges relating to the need to transition from a planned to a free market economy and from a nomadic to a sedentary culture.

13. His Government would seek international cooperation in the following areas: teacher and health specialist training; early diagnosis of disabilities; progressive assistive technology; and the development of accessible infrastructure, information and communication that met international standards.

14. **Mr. Kim** Hyung Shik (Country Rapporteur) said that the traditional prejudice against persons with disabilities in the State party, based on the belief that their disability was a punishment for their ancestors' sins, made it more difficult to change popular perceptions of persons with disabilities. He noted with satisfaction that the State party was in the process of bringing four major pieces of legislation into line with the Convention. However, in view of the apparent lack of policy coordination and ineffective implementation of various strategies, it was important to designate a focal point for matters relating to the implementation of the Convention. Consideration might be given to selecting

the Ministry of Population Development and Social Protection for that role, since it seemed to share responsibilities with several other key ministries.

15. The definition of disability adopted by Mongolia treated persons with disabilities as inactive beneficiaries of welfare benefits, not as individuals with rights and human dignity. That definition vitiated the State party's overall approach to implementing the Convention.

16. The State party's report seemed to indicate more what might be done in the future than to provide a comprehensive review of the improvements or changes that had been made since the State party's ratification of the Convention. More information was needed, for example, on the role of the National Rehabilitation Centre; he was especially concerned at the apparent urban bias of disability services that neglected persons with disabilities living in rural and remote areas.

17. No information had been provided in the State party's report, or its replies to the list of issues, on articles 6, 7, 9, 10, 12, 13, 14, 15, 17, 19 and 29 of the Convention. Although the State party had undertaken many initiatives, it had done so without indicating whether they were objectives for the short, medium or long term. It should provide further information on women with disabilities, including their status in the home and in society and the sexual abuse and violence directed against them. The Committee would also be interested in learning about educational opportunities for children, young persons and women with disabilities; the forms of assistance that were available to children with disabilities and their families; the mechanisms in place to ensure supported decision-making; and the general standard of living of persons with disabilities and obstacles to their employment.

Articles 1–10

18. **Ms. Kingston** asked whether the Government planned to bring its definition of disability into line with that of article 1 of the Convention. She would be grateful for information on the involvement of persons with disabilities, including women and children and those from minority groups and rural areas, in the development, implementation and evaluation of legislation and policies to implement the Convention.

19. She was concerned that failure to implement the law on non-discrimination meant that no sanctions were applied in cases of discrimination against persons with disabilities, not to mention the fact that no legislation in the State party prohibited discrimination on the grounds of disability. Moreover, given reports that women and girls with disabilities were subjected to high rates of sexual abuse, it was important for the State party to raise awareness among persons with disabilities and family members about that risk, as well as among social workers, health workers and the police. Awareness-raising was crucial, because the prevalence of the medical model continued to generate negative stereotypes of persons with disabilities. She would like the delegation to comment on the fact that, although transport, construction and urban planning laws had been amended, buildings did not always meet the new standards.

20. **Mr. Tatić** asked whether the State party envisaged including a provision on the prohibition of disability-based discrimination and the denial of reasonable accommodation in the draft law on the rights of persons with disabilities. The State party could request technical assistance from the Committee in drafting such provisions.

21. He asked what adjustments had been made to buses under the national budget, to which reference was made in paragraph 69 (h) of the report. Were they low-floor buses with special spaces to accommodate wheelchair users? He would appreciate additional information on the accessibility of the built environment, mechanisms to monitor accessibility and sanctions for persons who violated accessibility standards. The State party

might consider translating the Committee's general comments Nos. 1 and 2 into its official language.

22. **Ms. Quan-Chang** said she was concerned that the definition and system of assessment of disability appeared to rely heavily on the medical model, as did the 2013 Law on Social Protection of Persons with Disabilities. The State party might consider amending the definition in its relevant laws and regulations. She asked how the State party combated multiple intersectional discrimination, given that the law did not expressly criminalize disability-based discrimination. She also wished to know how many of the State party's programmes for persons with disabilities included persons with disabilities who were nomads and whether public awareness campaigns regarding persons with disabilities in that community were mounted.

23. **Mr. Langvad** asked how compliance with building regulations was monitored. If, as experience in his own country had shown, the cost of an accessible, climate-friendly and efficient building was 15 per cent less than that of an average building, it seemed logical that every new building should, by law, be accessible for persons with disabilities. The same applied to accessible buses used for public transport. He also wished to know what steps were being taken to increase the quality of support services provided to families with children with disabilities and/or their caregivers.

24. He enquired whether a review had been undertaken of the draft law on the rights of persons with disabilities in order to ensure its conformity with the Convention and whether organizations of persons with disabilities had been actively involved in its drafting. He also wished to know what initiatives were being taken to increase the level of financial support provided to those organizations. With reference to article 1 of the Convention, he asked to what extent national laws on persons with disabilities also covered parents and relatives of persons with disabilities in order to ensure that they did not lose their jobs as a result of caring for a person with a disability.

25. **Mr. Ruskus** asked how the Government involved organizations representing persons with disabilities in the development of legislation, policy and practice for the implementation of the Convention.

26. **Ms. Degener** asked whether denial of reasonable accommodation and segregation in education, work and housing were understood as forms of discrimination in law and practice. She wondered what action the Government had taken to protect women with disabilities against discrimination and whether any steps were taken to tackle intersectional discrimination. Referring to violence against children with disabilities, she requested an update on the activities undertaken by the Government since the universal periodic review in 2010, when it had clearly accepted a recommendation to prohibit all corporal punishment.

27. **Mr. Babu** said that the Government should be commended on its efforts to review and amend national legislation and policy on persons with disabilities and asked what practical strategies were in place for their implementation. Noting that the majority of the population lived in urban areas, he requested information on the situation of persons with disabilities in rural areas, who were not mentioned in the State party report.

28. **Mr. Buntan** asked whether the State party had any concrete plan for the systematic participation of persons with disabilities and their representative organizations in the formulation of law and policies that affected them, in accordance with article 4, paragraph 3, of the Convention. Noting that discrimination on the grounds of disability was not prohibited under the Constitution, he wondered whether there were any plans to criminalize such discrimination, including the denial of reasonable accommodation, under the draft legislation on persons with disabilities. While the State party's efforts to improve accessibility were to be welcomed, he would be interested to know whether the relevant legislative provisions were supported by the necessary financial resources to ensure that

they could be put into practice. He would welcome an update on progress with the Mongolian text-to-speech system to enable persons with disabilities to have access to information via screen reader or voice applications and whether the Government had adopted any internationally recognized information and communications technology standards.

29. **Ms. Peláez Narváez** asked what measures the State party took to ensure that women and girls with disabilities were included in the many instruments and policies on gender equality, especially in relation to access to education, professional training, employment, independent living, health care, including sexual and reproductive health services, support for maternity, protection against violence and abuse and access to justice. She wondered whether the State party took due account of children with disabilities in implementing its policies on children, particularly given that in rural areas fewer than 25 per cent of children with disabilities had access to education and that there continued to be a segregated education system. She also asked whether children with disabilities had the same right as other children over the age of 7 to have their opinions taken into account in matters that affected them and how children with disabilities were protected against violence and abuse.

30. **The Chairperson**, speaking in her personal capacity, asked what the current status of the draft law on the rights of persons with disabilities was and when its enactment was expected. Noting that discrimination on the grounds of disability was not criminalized, she wondered what remedies were available to persons with disabilities who did experience such discrimination and whether there had been any convictions for discrimination against persons with disabilities.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

31. **Mr. Munkhbaatar** (Mongolia) said that, since it had ratified the Convention, his country had made considerable efforts to revise older legislation on persons with disabilities to bring it into line with the Convention. The Government endeavoured to involve a wide range of ministries, agencies, non-governmental organizations (NGOs) and other stakeholders in that work. Organizations representing persons with disabilities had participated actively in the process and their opinions and proposals had been taken into account by a parliamentary working group set up to prepare the draft law, which contained significant changes as a result. The Government attached great importance to its cooperation with local government and NGOs at all levels and to the development of a strong civil society. Mongolia faced important challenges in its transition from a centralized system.

32. **Ms. Batdulam** (Mongolia) said that the definition of disability in the new draft law reflected the provisions of the Convention and stipulated that persons should not be discriminated against on the grounds of physical or mental impairment or illness and should have the right to participate freely in society. Future amendments to other laws, such as the law on social insurance, would also reflect the new definition in compliance with the Convention.

33. Even before acceding to the Convention, Mongolia had practised a community-based approach to persons with disabilities for more than 20 years. The criteria used for defining disability in children up to the age of 16 were being brought into line with the Convention. Efforts were made, particularly through the Ministries of Health and Education, to ensure early diagnosis of children with disabilities so as to provide them with the applicable benefits and support them in their education and inclusion in the community. Some success had already been achieved in that regard. In employment laws, the definition of disability for persons over the age of 16 was based on the loss of work capacity, in accordance with ILO criteria. The Government was also cooperating with the World Health Organization in order to bring its requirements into line with international standards and

implement projects in that area. The draft law on persons with disabilities contained provisions on the early diagnosis of disability.

34. A total of 3.8 per cent of the overall population had a disability, of whom 11.7 per cent were children. In 2012, as part of a series of institutional changes, a special unit for persons with disabilities had been set up for the first time in the Ministry of Population Development and Social Protection, with responsibility for setting up a national mechanism to protect the rights of persons with disabilities. The structural changes reflected the increased importance being attached to the rights of persons with disabilities and would result in more effective action on issues concerning women and children with disabilities in particular.

35. With regard to the participation of women with disabilities in decision-making processes, the Disability Policy Council under the Ministry of Population Development and Social Protection brought together representatives of a range of NGOs, children with disabilities and their parents, persons with all kinds of disabilities, and organizations of women with disabilities, who made a valuable contribution to the policymaking process. The Government attached great importance to the effective participation of women with disabilities and in 2013 had organized a special meeting with representatives of that segment of the population; the views expressed at that meeting would be most useful in drafting the new law on persons with disabilities. A forum for persons with disabilities had also been organized, with more than 9,000 participants, half of them women and girls with disabilities. State policy on the protection of persons with disabilities focused on providing them with the opportunity to live in the family and in society.

36. A research-based strategy and related guidelines were being drawn up on the prevention of the sexual abuse and mistreatment of girls and women with disabilities. The results of the research would be reflected in future bills and decision-making processes. As for the types of assistance provided for parents of children with disabilities, community-based rehabilitation centres had been set up in a number of provinces as a part of a European Union-funded project. There were plans to develop social health and public health centres in rural areas. Parents had been trained in the use of assistive technologies and had learnt special exercises for children with disabilities.

37. More than two thirds of public officials had undergone training in issues relating to persons with disabilities and there were plans to offer such training to lawmakers and educators. Efforts were also being made to raise awareness and promote a positive image of persons with disabilities in the media.

38. Draft decree No. A/106 had been sent to a number of NGOs for comment, prior to its submission to parliament for consideration in June 2015. The European Union, ILO and the embassy of the United States of America in Ulaanbaatar had provided NGOs with financial assistance during the drafting process.

39. **Ms. Tsolmon** (Mongolia) said that the rights of persons with disabilities were protected under laws on issues such as social protection. Such persons had the same rights as non-disabled persons in relation to access to education, employment, health care and social assistance. A bill on labour relations had been drawn up to provide for persons with disabilities.

40. **Mr. Munkhbaatar** (Mongolia) said that his country was still in the process of transitioning to a democratic, free-market system and required more time to change public attitudes and update the domestic legislative framework.

41. **Ms. Dondmaa** (Mongolia) said that the Law on Urban Development and the Law on Construction made provision for accessibility and universal design. There were also plans to allocate parking spaces to persons with disabilities. New legislation was being prepared

to grant persons with disabilities preferential treatment for ownership of land. Special decrees had been issued at the municipal level to ensure that new buildings and pavements met accessibility requirements and a training programme on accessibility was being set up for representatives of construction companies. Organizations of persons with disabilities were consulted with regard to the building of pavements and their comments were passed on to the construction companies concerned. Although only a small percentage of buildings were accessible to persons with disabilities, their number was rising.

Articles 11–20

42. **Ms. Kingston** asked what measures were taken to ensure the protection and safety of persons with disabilities in emergency situations and natural disasters and the inclusion of persons with disabilities, particularly deaf persons, in national emergency protocols.

43. She asked how many persons with psychosocial disabilities there were in Mongolia and whether they were able to exercise their rights and preferences. She also asked how many such persons were currently being detained in institutions. The delegation might also clarify a definition in domestic criminal law that had been translated as "Persons with disabilities pleading guilty to crimes that they did not commit". Were any relevant statistics available? She would welcome information on support mechanisms for persons with psychosocial disabilities wishing to live in the community and pointed to the lack of financial support for families of such persons and the difficulty of access to pensions.

44. Lastly, she asked how the right to vote in elections was guaranteed.

45. **Mr. Tatić** said that he would welcome clarification on the "special stairs [...] for persons with disabilities" referred to in the State party report. He also asked whether judges had already received training in the Convention or would do so in the future.

46. **Mr. Babu** asked whether the State party would set up an interdepartmental committee to transpose the Convention into domestic legislation and ensure the successful implementation of development programmes focusing on persons with disabilities. He also asked whether persons with disabilities in the State party lived in mainstream communities and, if so, what measures had been taken to assure their effective participation in social, economic, political and decision-making processes. Lastly, he would welcome more information on the institutionalization of people with disabilities in Mongolia.

47. **Mr. Basharu** asked how the State party provided protection for blind persons in institutions in emergency situations.

48. The Committee had been informed of cases of harassment of persons with disabilities by police officials and he asked how the State party guaranteed access to justice for persons with disabilities. He also asked how the State party intended to ensure that all persons with disabilities had equal access to information.

49. **Ms. Quan-Chang** said that she was concerned at the fact that, when a person was diagnosed with a psychosocial disability, that diagnosis had legal implications. She asked what measures were being taken to restore the legal capacity of persons with disabilities and ensure that they enjoyed all guarantees of due process.

50. She asked what measures were being taken to ensure that prisoners with disabilities had access to health services and technical assistance. She also asked what steps were being taken to guarantee that women and children with disabilities who were victims of any type of ill-treatment, abuse, violence or exploitation had access to justice. The lack of sign-language interpretation for victims of crime in the State party was a matter of concern.

51. **Mr. Langvad** said that the State party should adapt its judicial procedures to take account of persons with psychosocial or cognitive disabilities.

52. He asked for information on any steps taken to prohibit the placement of children and adults with disabilities in institutions against their will, to develop a deinstitutionalization plan in consultation with organizations of persons with disabilities and to establish support measures and services in the community that would enable persons with disabilities to decide where they wanted to live.

53. He asked what was being done to improve the quality of assistive aids and domestically manufactured and imported mobility devices, and to ensure access to all necessary prostheses, orthopaedic devices and assistive aids for persons with disabilities.

54. **Mr. Buntan** asked whether the State party intended to integrate the Sendai Framework for Disaster Risk Reduction 2015–2030 into domestic policy.

55. He asked whether there were circumstances in which persons with disabilities were not allowed to open a bank account, sign a cheque, inherit property or sell or buy land or houses and, if so, whether the State party had any specific plans to recognize the legal capacity of persons with disabilities. He also wondered whether the Government had a policy of encouraging persons with disabilities to work as judicial officials or lawyers.

56. He asked whether any data had been collected on persons with disabilities who had benefited from community-based services launched prior to the State party's ratification of the Convention and whether such persons were able to live independently and be included in the community. He would welcome information on the nature of the community-based services provided.

57. **Ms. Peláez Narváez** asked whether the State party kept records of cases of violence against and abuse of women or children with disabilities, of instances in which such individuals had sought direct access to justice and of the corresponding remedies provided by the justice system. She also asked whether judicial officials received training in the human rights and fundamental freedoms of girls and women with disabilities.

58. She asked whether, in cases of divorce or separation, the custody of children of mothers with disabilities was frequently awarded to non-disabled husbands.

59. **Mr. You** Liang asked whether the State party had any policy on the accessibility of airports and aeroplanes for wheelchair users. He also asked whether the State party had adopted any regulations governing the provision of good quality, tailor-made assistive devices for people with disabilities and whether financial support was offered to people with disabilities to enable them to obtain such equipment.

60. **Mr. Kim** Hyung Shik asked what types of disability were represented within the prison population in the State party and how the principle of reasonable accommodation was observed in prisons. He also asked the delegation to comment on the situation of young persons and children with disabilities whom he had seen begging in the street in Ulaanbaatar.

61. **The Chairperson**, speaking in her personal capacity, asked whether plans for rebuilding following natural disaster ensured that accessibility regulations were complied with. Secondly, she asked how many persons were subject to guardianship under the Civil Code. Thirdly, she noted that, under the Health Law, forced treatment of persons with disabilities was prohibited, but that an exception was made for persons with psychosocial disabilities who posed a serious threat to society. She asked what was meant by the phrase "serious threat to society" and when and how the concept was applied.

62. She also asked what the situation was regarding the legal guardianship of persons with disabilities involved in criminal activities. She further enquired whether prisons had accessibility programmes and whether an independent body had been set up to monitor the cruel, inhuman or degrading treatment of persons with disabilities.

The meeting rose at 6 p.m.